



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

April 24, 1962

Hon. H. R. Nieman, Jr.
Executive Director
Engineer
State Building Commission
State Office Building
Austin 1, Texas

Opinion No. WW-1319

Re: Authority of Building Commission to disburse funds to make emergency repairs to buildings acquired by the Building Commission such as the State Courts Building and State Office Building.

Dear Mr. Nieman:

Your request for an opinion reads as follows:

"Senate Bill No. 1, General Appropriations, by the First Called Session of the 57th Legislature under the heading BUILDING COMMISSION the fourth paragraph following the appropriated line items states as follows: Any balances as of August 31, 1961, remaining in the special fund specified in Section 3 of Chapter 465, Acts 1957, Fifty-Fifth Legislature, and any receipts to such fund during the biennium ending August 31, 1963, are hereby appropriated to the Building Commission for repair, maintenance, and operation of any property heretofore or hereafter acquired by the Building Commission as long as said property is used to house State agencies, or is leased to private individuals, or is in need of emergency protective attention; and in the event the above appropriation for repair, maintenance, and operation of such property is inadequate, the Building Commission is authorized to disburse such amounts as may be deemed necessary from the appropriation made in item 10 above for accomplishing the same purposes.

"It is factual that property such as the State Supreme Court Building, the State Office Building, the State Archives and Library Building, etc., constitute property heretofore acquired by the State Building Commission and that these structures are used to house State agencies and that title is maintained on inventory by the State Building Commission. It is therefore, held that should these or like property be in need of emergency protective attention, such as roof repairs, etc., that the above quoted appropriation bill paragraph constitutes a valid source of funds for

such purposes and that the State Building Commission is authorized to disburse such amounts deemed necessary.

"It is requested that you review the foregoing quoted appropriation verbiage and render an opinion regarding the authority of the State Building Commission to disburse funds as deemed necessary to effect emergency protective attention to acquired property such as the State Supreme Court Building, the State Office Building, the State Archives and Library Building and like property."

The current General Appropriation Bill contains the following appropriation to the State Building Commission:

"Any balances as of August 31, 1961, remaining in the special fund specified in Section 3 of Chapter 465, Acts 1957, Fifty-fifth Legislature, and any receipts to such fund during the biennium ending August 31, 1963, are hereby appropriated to the Building Commission for repair, maintenance, and operation of any property heretofore or hereafter acquired by the Building Commission as long as said property is used to house State agencies, or is leased to private individuals or is in need of emergency protective attention; and in the event the above appropriation for repair, maintenance, and operation of such property is inadequate, the Building Commission is authorized to disburse such amounts as may be deemed necessary from the appropriation made in item 10 above for accomplishing the same purposes."


Since the above quoted appropriation is to be expended on "any property heretofore or hereafter acquired by the Building Commission as long as said property is used to house State agencies," the State Courts Building, State Office Building, the State Archives and Library Building, and like property is included in the above quoted language. You are therefore advised that the State Building Commission is specifically authorized to disburse funds as deemed necessary to effect emergency protective attention to acquired property such as the buildings named above, and any other buildings acquired by the Building Commission as long as said property is used to house State agencies.

SUMMARY

Moneys appropriated by the Legislature to the Building Commission may be disbursed by the Building Commission for the purpose of taking care of emergency protective attention of property acquired by the Building Commission as long as said property is used to house State agencies.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John Reeves
Assistant

JR:wb

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman
Ben Harrison
Harry Hewell
Grady Chandler

REVIEWED FOR THE ATTORNEY GENERAL

BY: Houghton Brownlee, Jr.